

REMARKS

The present invention is a method of setting up a communication session in at least one wireless communication network and a method of setting up a communication session in a wireless communication network. In accordance with an embodiment of the invention, a method of setting up a communication session in at least one wireless communication network includes transmitting the request for a communication channel set up from a user equipment MS to a first network element SGSN in a first network which is an activate PDP context request in Figure 4; and wherein the request indicates to the first network that the radio resource allocation is to be prevented for the communication channel before a communication session has been successful established. See paragraphs [0031], [0033], and [0039]-[0040] of the Substitute Specification.

The specification stands objected to regarding the subject matter of claim 7. The specification has been amended in paragraph [0034] to refer to a IMS network which is well known in the art with the acronym IMS being defined in technology dictionaries as a IP multimedia subsystem.

Claims 1, 4, 6, 8, 9 and 11 stand rejected under 35 U.S.C. §102 as being anticipated by United States Patent No. 6,683,853 (Kannas et al.). The ground of rejection is traversed for the following reasons.

Independent claim 1 recites:

“A method of setting up a communication session in at least one wireless communications network, the method comprising:

transmitting a request for a communication channel setup from a user equipment to a first network element in a first network; and wherein

the request indicates to the first network element that radio resource allocation is to be prevented for the

communication channel before a communication session has been successfully established."

Claim 1 as amended recites that a request is transmitted for a communication channel setup from the user equipment to a first network element in a first network which indicates to the first network element that radio resource allocation is to be prevented from the communication channel before a communication session has been successfully established. This subject matter has no counterpart in Kannas et al. Kannas et al. describe a network operation that when a particular quality of service (QoS) is not available, the network system indicates this condition and further the user equipment has the option of accepting or rejecting an alternative quality of service as offered by the network. See column 4, lines 66-67 through column 5, lines 1-24 and column 9, lines 3-13. Kannas et al. do not provide a request from the user equipment to prevent allocation of radio resources until the communication session has been established. In other words there is no request indicating to the first network element that the radio resource allocation is to be prevented for the communication channel before a communication session has been successfully established as recited in independent claim 1.

Claim 3 as dependent on claim 1 and claims 5 and 10 stand rejected under 35 U.S.C. §103 as being unpatentable over Kannas in view of U.S. Publication Reference 2002/0034166 (Barany et al.). These grounds of rejection are traversed for the following reasons.

Barany has been cited as teaching that a call control signal communicated through an access network is forwarded by the GGSN to the CSCF module and a call session is established after a call setup procedure is performed with the Examiner relying on paragraph 37 thereof. However, this

teaching does not cure the deficiencies noted above with respect to Kannas et al.

The rejection of claims 3 and 10 is now moot as being respectively dependent upon objected to claim 2 and claim 3.

Claim 7 stand rejected under 35 U.S.C. §103 as being unpatentable over Kannas in view of U.S. Publication Reference 2002/0131395 (Wang). The rejection of claim 7 is now moot as being dependent upon objected to claim 3.

Claim 12 stands rejected under 35 U.S.C. §103 as being unpatentable over Kannas in view of United States Patent No. 5,422,883 (Hauris et al.). This ground of rejection is traversed for the following reasons.

It is submitted that the Examiner has not demonstrated any motivation of record why a person of ordinary skill in the art would be led to modify the teachings of Kannas et al., which pertain to a quality of service in a packet switched network, to the teachings of Hauris et al. that relate to call setup and channel allocation for multi-media network buses. It is submitted that the Examiner's rejection of claim 12 is based upon impermissible hindsight since the Kannas et al. and Hauris et al. patents are not analogous art since they do not pertain to the same technological subject matter and are not related to the solving of a common problem.

Newly submitted claims 13-23 claim a more specific aspect of the present invention which is not anticipated or rendered obvious by the prior art of record.

In view of the foregoing amendments and remarks it is submitted that each of the claims in the application is in condition for allowance. Accordingly, early allowance thereof is respectfully requested.

To the extent necessary, Applicants petition for an extension of time under 37 CFR §1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 01-2135 (Case No. 0172.38447PX2) and please credit any excess fees to such deposit account.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Donald E. Stout', is written over a horizontal line.

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DES/kmh

Attachments